HIGH COURT OF CHHATTISGARH, BILASPUR

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

M.A. (C) No.1301 of 2007

Appellant Defendant No.1	:	1.	Mikhayeel Tirkey, aged about 40 years, son of Pitrus Tirkey, caste Uraon, occupation – agriculture / driver, resident of – Bansadeeh, Post Office Sarayeepani, P.S. Bageecha, Tahsil Bageecha, District Jashpur (C.G.) (DRIVER)
	:	2.	Joseph Tirkey, aged about 55 years, son of Chero Uraon, caste – Uraon, resident of Nakbaar, Police Station and Tahsil Bageecha, District Jashpur (C.G.) (OWNER)

Versus

Respondent Claimant No.1	:	1.	Smt. Delpina Tirkey, widow of Late Najariyus Tirkey, aged about 32 years,
Respondent/ Claimant No.2	:	2.	Minor Aakash Tirkey, aged about 05 years, son of Late Najariyus Tirkey, occupation – student (Class I) through – natural guardian Smt. Delpina Tirkey (Applicant No.1)

Both are Uraon by caste, resident of village – Ghughari Tola Kadamtoli, PO Ghughari, P.S. Kansabel, Tah. Bageecha, District Jashpur (C.G.)

Miscellaneous Appeal under Section 173 of the Motor Vehicle Act, 1988

Present:-
Shri A. N. Bhakta, counsel for the appellants.

ORAL ORDER
(Passed on 16.11.2007)

Heard on admission.

2. The appellants are aggrieved by the interim award dated 26.04.2007 passed in claim case No. 10/2006 by Additional Motor Accidents Claims Tribunal, Jashpur whereby a sum of Rs.50,000/- was awarded under no fault liability towards interim compensation.

3. Shri A. N. Bhakta, learned counsel for the appellants did not dispute the following:

a) that death of Najariyus Tirkey had occurred on 27.06.2006 in a vehicular accident involving Tractor No. C.G.14A/1243

b) that the said Tractor was owned by the appellant No.2 on the date of accident.

c) that the policy of insurance of the said Tractor had expired and was not effective on the date of accident.

4. All the ingredients necessary to constitute the liability of the owner to pay compensation under Section 140 of the Motor Vehicle Act on the principles of no fault liability are satisfied. Thus, the impugned award granting a sum of Rs.50,000/- as interim compensation cannot be faulted with.

5. The appeal being devoid of merit is dismissed at the stage of admission. Consequently, I.A.No.01 for stay and I.A.No.2 for exemption from depositing 50% of amount awarded stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge